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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,619	10/07/2003	John Morgan	444/4	5544
27538	7590	12/23/2004	EXAMINER	
KAPLAN & GILMAN , L.L.P. 900 ROUTE 9 NORTH WOODBIDGE, NJ 07095			CHEN, SOPHIA S	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/680,619

Applicant(s)

MORGAN, JOHN

Examiner

Sophia S. Chen

Art Unit

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/7/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
 - a. Page 5, line 18, "1" should be "11".
 - b. Page 5, lines 21-22, "Before or after --- toner powder 6." is grammatically incorrect.
 - c. Page 5, line 22, "1" should be "2".

Appropriate correction is required.

Claim Objections

2. Claims 17-22 are objected to because of the following informalities:
 - a. Claim 17, line 3, "said feed roller" should be "said feed roller compartment" to be consistent with the terminology used previously.
 - b. Claim 17, line 4, "slotted seal insert compartments" should be either "slotted seal insert" or "toner hopper".
 - c. Claim 20, line 2, "roller" should be "roller compartment".

Appropriate correction is required.

Claim Rejections – 35 U.S.C. §102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 5-9, 11, and 14-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Sugiyama et al. (JP 08-179613 A).

Sugiyama et al. discloses an apparatus and a method of sealing a recharged toner cartridge assembly, comprising: a toner hopper 12 for containing recharged tone powder, the toner hopper 12 having a generally flat upper surface with an opening (Figures 10 and 12); a feed roller compartment 10 for dispensing the toner powder, the feed roller compartment 10 having a generally flat bottom surface with an opening for engaging with the upper surface of the toner hopper 12 (Figures 10 and 12); a sealing member 17 provided between the two flat surfaces around for sealing around the openings when the two flat surfaces engage each other after recharging (abstract and Figures 8 and 12); where the sealing member 17 is adapted to be fixed to the bottom surface of the feed roller compartment 10 before the two flat surfaces engage each other (Figure 12).

Sugiyama et al. further discloses the sealing member 17 being a flat sealing foam with a slot which matches the openings (abstract and Figures 8 and 12; see the pins 24 around the opening shown in Figure 8); the sealing foam 17 is fixed to the bottom surface of the feed roller compartment 10 by a mechanical fixture 24 (Figure 12); the mechanical fixture comprises a plurality of screws 24 (Figure 16) or pin-hole

connections (Figure 11); a step of adding a removable tape or ribbon between the toner hopper 12 and the feed roller compartment 10; and the removable tape is attached to the toner hopper 12 (no reference numeral assigned – the line between reference numerals 14, 14; Figure 12).

5. Claims 1, 2, 8, 9, 11, and 17-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang et al. (US Pat. No. 6,721,525 B2)

The patent discloses an apparatus and a method of sealing a recharged toner cartridge assembly, comprising: a toner hopper 2 for containing recharged tone powder, the toner hopper 2 having a generally flat upper surface with an opening 21 (Figure 8); a feed roller compartment 1 for dispensing the toner powder, the feed roller compartment 1 having a generally flat bottom surface with an opening 11 for engaging with the upper surface of the toner hopper 2 (Figure 8); a sealing member 212 or 112 provided between the two flat surfaces around for sealing around the openings 21, 11 when the two flat surfaces engage each other after recharging (column 12, lines 45-65; column 13, lines 13-15 and 60-63; Figure 8); where the sealing member 112 is adapted to be fixed to the bottom surface of the feed roller compartment 1 before the two flat surfaces engage each other (Figure 8).

The patent further discloses the sealing member 112 being a flat sealing foam with a slot which matches the openings 11, 21 (column 13, lines 13-15 and Figure 8); a step of adding a removable tape or ribbon 213 or 113 between the toner hopper 2 and the feed roller compartment 1 (Figure 8); and the removable tape 213 or 113 is attached

to the toner hopper 2 or the feed roller compartment 1 (Figure 8); and the removable tape or ribbon 213 or 113 is attached to the slotted seal insert 212 or 112 (Figure 8).

Claim Rejections – 35 U.S.C. §103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiyama et al. in view of Wang et al.

Sugiyama et al., as discussed above, differs from the instant claimed invention in not disclosing the removable tape is attached to the feed roller compartment or the slotted seal insert.

Wang et al. discloses a removable tape 213 or 113 is attached to the toner hopper 2 or the feed roller compartment 1 (Figure 8), or the removable tape or ribbon 213 or 113 is attached to the slotted seal insert 212 or 112 (Figure 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the removable tape attached to the feed roller compartment or the slotted seal insert as taught by Wang et al. in place of the attaching position of Sugiyama et al. because of the same functionality for preventing toner leakage.

12. Claims 3, 4, 10, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. in view of De Kesel et al. (US Pat. No. 6,760,556 B2)

Wang et al., as discussed above, differs from the instant claimed invention in not disclosing the mechanism for fixing the sealing foam (or the slotted seal insert) to the bottom surface of the feed roller compartment.

De Kesel et al. discloses an image forming apparatus comprising a toner hopper TC; a feed roller compartment 55; a sealing foam (or a slotted seal insert) 10 (column 14, lines 32-34 and Figure 30); an adhesive layer 4 for fixing the sealing foam 10 to the toner hopper TC (column 12, lines 56-61 and Figure 30); and a protective sheet 5 for protecting the adhesive layer 4 of the sealing foam 10 (Figures 5 and 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the fixing mechanism (adhesive and protective sheet) as taught by De Kesel et al. to the bottom surface of the feed roller compartment of Wang et al. to firmly attach the sealing foam to the compartment.

Other Prior Art

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Patterson (US Pat. No. 4,930,684) discloses an image forming apparatus comprising a toner hopper; a feed roller compartment; and a sealing member.

Kelly et al. (US Pat. No. 5,799,712) discloses an image forming apparatus comprising a toner hopper; a feed roller compartment; and a sealing member.

Michlin et al. (US Pat. No. 6,552,780 B1) discloses a sealing member and a removable tape.


Sirejacob. (US 6,587,657 B2) discloses an image forming apparatus comprising a toner hopper; a feed roller compartment; and a sealing member.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sophia S. Chen whose telephone number is (571) 272-2133. The examiner can normally be reached on M-F (7:00-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sophia S. Chen
Primary Examiner
Art Unit 2852

Ssc
December 20, 2004